

THIEF TO BE SENTENCED.

November 2 is the Time Fixed by Judge Barch.

MOTION FOR A NEW TRIAL

TRIAL OF MODESTO SICHER CONTINUED TILL NEXT MONDAY.

Attorney Taylor Returns From the Case After a Heated Discussion With the Court—Don Carlos Tufts Awarded a Decree of Divorce—The Jury Says C. H. Labelle Was Not Guilty of Disturbing the Peace—Other Court Matters.

According to arrangement, Charles Thiede, convicted of wife murder, was brought into court at 10 o'clock yesterday morning.

Prosecuting Attorney Howat asked that the court fix a time for pronouncing sentence.

Judge Cherry said that the defendant desired to file a motion for a new trial before sentence was pronounced, and wished a reasonable time in which to serve notice and statement of the points upon which he relied on in making the motion; one of which was the insufficiency of the evidence to sustain the verdict. Mr. Cherry asked for at least thirty days' stay.

Mr. Howat considered that so long a time was unnecessary, and after some further consideration, his honor fixed Friday, November 2, as the date for passing sentence and hearing the arguments on the motion for a new trial.

NOW IN THE PENITENTIARY. Judge Howat then asked the court to make an order remanding Thiede to the custody of the United States marshal.

Judge Cherry—There is no necessity for that until sentence is pronounced. He said it would be necessary for him during the preparation of his statement on the motion, to see the defendant frequently, and if Thiede were sent up to the penitentiary it would be quite inconvenient for him to do so. It was an unusual thing to change the custody of the prisoner until after sentence had been passed, and he asked, therefore, that Thiede remain at the county jail.

District Attorney Judd—The penitentiary is a much safer place than the county jail, and it is the practice, too.

Judge Cherry—It never has been done that I know of.

Judge Barch—What is your opinion of that, Judge Howat?

Judge Howat—I think it is customary to remand a prisoner to the U. S. marshal.

Judge Barch—I think he may be brought to the custody of the United States marshal.

A moment later Deputy Marshal Dyer, who was standing behind the defendant's chair, touched Thiede upon the shoulder and beckoned him to follow. He instantly obeyed, and, joined by little Annie, was escorted to the prisoners' room. Later he was conveyed up to the penitentiary.

Thiede did not exhibit any concern, though he looked a trifle pale, and there was just a faint anxiety about his face. He occupied himself reading a morning newspaper up to the time his case was called, then put it down and listened attentively to all that passed. He took an affectionate farewell of his child before leaving for the penitentiary. The poor little girl was greatly distressed at having to part from her father.

LITTLE ANNIE.

A great deal of sympathy is felt for the child. Up to the time of her father's stay with her father's married sisters at Sandy, she said she had no wish to return there and they don't appear to want her. The little one is greatly disappointed at not being allowed to keep the few dollars she received as witness fees. Her father told her she could have it and she had planned to buy a new dress and some children's toys with the money, but she says her aunts took it from her.

Sheriff McQueen, with his usual kindness and largeness of heart, has taken little Annie to his home in the meantime, with the view of finding her a permanent home in the city where she will be cared for and kindly treated.

THE SICHER CASE.

Attorney Taylor Returns From the Case. Another murder trial, that of Modesto Sicher for killing Guilepse Murano in Parley's canyon, was set for yesterday, but Attorney John Lu Taylor, who was appointed by the court to defend the accused, presented an affidavit for a continuance on the ground that important witnesses, including the brother of the defendant, were absent and that counsel had not had time to prepare a proper defense.

Prosecuting Attorneys Judd and Howat opposed the motion for the reason that the affidavit set forth no legal grounds for a continuance.

Attorney Taylor heatedly responded and threatened to withdraw from the case, exclaiming: "I won't allow myself to be made a tool of the lawless, and I am not going to the gallows, for I know he is innocent, and if he has a fair trial the jury will find him man." All I ask is a fair chance to clear this man."

Judge Barch—Counsel was not allowed into this case. I asked if any attorney would volunteer, and you volunteered to defend this man. Upon that I appointed you, and you knew the case was set for today.

Attorney Taylor—All I have to say is that I am not prepared to go on with the case now.

Judge Barch—Then I will listen to you on the affidavit.

Attorney Taylor—The defendant is not ready. I have not been able to reach all the witnesses, though I have used due diligence. I have no disposition to be captious at all, but I am now powerless, and I want to do the best I can for this man. I don't want to see him go to the gallows without a trial, and I am satisfied that I will have to go and look up some of these witnesses at my own expense, if it becomes necessary.

Judge Barch reminded Attorney Taylor that the next term of court was not until February, 1895.

Attorney Taylor—And I think that is soon enough to take the trial. I may have to go "over the water," and if I do, your honor will see that I will take some time. I may have to go to this man's country (Austria) for testimony on certain points.

Judge Barch considered for a moment and then announced that he would appoint additional counsel for the defense.

Mr. Taylor was accepted and Attorney Stephens appointed to defend Sicher and the trial set for Monday next at 10 o'clock.

AN APPEAL CASE.

C. H. Labelle Not Guilty of Disturbing the Peace.

The appeal case of C. H. Labelle, convicted of disturbing the peace, in United States Commissioner Greenman's court on June 9 last, and fined \$5 and \$100 costs, was tried before Judge Barch and a jury. Assistant District Attorney Howat prosecuted and Gustave Kroger defended.

The complaining witness was John Johnson, who alleges that on June 8 the defendant did wilfully and unlawfully

disturb the peace in the vicinity of Vine avenue, near Third South street.

The evidence went to show that the parties got into a dispute over the possession of some furniture which Mr. Johnson came to remove from a house in Vine avenue, and which the landlady, Mrs. Spencer, was holding for rent.

The jury, after a short consultation, brought in a verdict of not guilty.

THE TUFTS FAMILY.

Their Troubles Terminate in Don Carlos Getting a Divorce.

The domestic infidelity which has been the cause of the lives of Don Carlos Tufts and his wife, Geneva, culminated yesterday when Chief Justice Merritt granted the husband a decree of divorce on the ground of cruelty. For years past Tufts and his wife have lived in an almost constant broil, and at intervals their troubles were aired in commissioners' and justices' courts, the one charging the other with assault and battery and cruelty. Complaints and cross-complaints numerous were filed, and for so constant interference by deputy sheriffs and deputy marshals to keep them from killing each other.

In July, 1893, Mrs. Tufts filed a suit for divorce on the grounds of extreme cruelty and drunkenness. In September of the same year she forgave him and withdrew the suit, and there was a temporary cessation of hostilities, but it was only temporary, and in a short time matters were as bad as ever.

Two or three weeks ago, Mrs. Tufts was arrested on the charge of committing adultery with a young man named Sam Nowell. She was tried in the Third district court, the jury failed to agree and the accused was discharged on her own recognizance. Soon afterwards, the husband filed a suit for divorce, which was the one adjudicated by Judge Merritt yesterday.

After Mrs. Tufts failed to appear and Don Carlos took the stand, testifying that his spouse was in the habit of treating him with extreme cruelty. In April last she stabbed him in the back with a table fork, inflicting a dangerous and painful wound. He testified that she attacked him with a pitchfork and wounded him in the leg, and struck him on the eye with a club. At various times, he stated, she had clubbed him and hit him with flatirons and other dangerous missiles.

Mrs. Pender gave corroborative evidence after which his honor granted the decree of divorce, for about five acres, valued at \$4,000, by consent of the plaintiff.

The three children, Leona, aged 10; Laura Geneva, aged 8, and Jessie, aged 4, were put in the custody of their grandmother, and Don Carlos ordered to pay \$25 a month for their support.

Short Orders.

Stuart Stephenson vs. J. F. Jack, administrator, et al.; Clara Regan substituted as administratrix for Edward D. Regan deceased.

Alexander G. Sutherland vs. Mary B. Hengst; judgment for plaintiff; attorney's fees, \$200.

M. J. Jones vs. William McQueen; judgment for defendant to file amended answer.

J. C. Bauer vs. Henry Wagner et al.; dismissed.

Anderson vs. Salt Lake Building and Loan association; dismissed.

L. A. Scott Elliott vs. George C. Whitmore; motions for a new trial and to relax costs argued and submitted.

Carl Bischoff, a native of Germany, was admitted to citizenship.

James M. Holland vs. J. C. Dunbar and Benjamin Eggington; judgment for the plaintiff.

Abba Rumei has begun suit in the Third district court against Truth A. Milner to quiet title to certain premises described as lots 1 and 2, block 1, East Webster; sold for delinquent taxes.

Klamath River Lumber company is suing W. H. Smith to recover the sum of \$687.31 alleged to be due for goods sold and delivered.

Women are naturally more observant than men. They know a good thing when they see it, and that is why the majority use Dr. Price's Baking Powder.

In Judge McNally's Court.

Alexander Mitchell swore to a warrant before United States Commissioner McNally, charging John M. Whitaker with malicious destruction of property. The plaintiff alleges that Mr. Whitaker tore up and carried away the pipes conveying the water to the residence of the former.

A warrant was issued from United States Commissioner McNally's court yesterday on the complaint of William J. Coppin for the arrest of George Urie, on the charge of assault and battery.

Court Notes.

The case of E. E. Ritchie, under indictment for larceny, was continued definitely owing to the absence of an important witness for the defense.

The grand jury after a recess of two weeks, resumed their work yesterday morning.

The court ordered that a special venire for twenty-four petit jurors issue returnable October 25, to serve on the rehearing of the case of Andrew Peter vs. Judge Barch, assisted by Carl Anderson with intent to murder.

The People vs. Charles Carter, under indictment for grand larceny; hearing set for Wednesday next.

Have You Read

How Mr. D. W. Wentz, of Geneva, N. Y., was cured of the severest form of dyspepsia? He says everything he ate seemed like pouring melted lead into his stomach. Hood's Sarsaparilla effected a perfect cure. Full particulars will be sent if you write C. I. Hood & Co., Lowell, Mass.

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Electric Bitters.

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CHATTING WITH A MEDICAL MAN.

A Prominent Physician Talks About His Profession.

MEN AS HYPOCHONDRIACS.

UTOPIAN PLAN OF A GOVERNMENT SCHOOL FOR PHYSICIANS.

Standing Army of Medicos—Points of Professional Honor—Sympathy Essential to Success—A Time When Twelve Drugs Will Be the Maximum—The Coming Physician.

One of Salt Lake City's prominent physicians grew communicative last evening, an unusual tendency with most members of his profession and especially so with him. Probably the relaxing influences of the cheerful grate fire in the cosy sitting room of his home awakened the latent disposition, or it may have been the eloquent tribute to the poet-physician, Oliver Wendell Holmes, which he had just been reading in his brief respite from the cares of a busy professional life.

"Not wise to let a patient know he is dying," said he. "Perhaps Holmes is right in this as in most of his statements. Yet there are instances when an attending physician fails in his duty if he does not let a sufferer know what his end will be. This is especially true if he is a man of affairs who might devote his remaining strength to arranging the details of his business. A view to lightening the burdens of those he leaves behind. At any rate there is no good reason for leaving the family and friends in ignorance."

"By the way, Dr. Holmes was a man of intense sympathy. He has been aptly called a loving observer of humanity. I believe sympathy is the key to the success of most physicians. The knowledge of sympathy as a potent healing force of value also in treating hypochondriacs and victims of peculiar forms of hysteria. Do you remember the opening chapter of that peculiar novel, 'A Superstition Woman'? A young woman, whose morbid nature was a product of the age and society in which she lived, was lying, so everybody thought, at death's door. All efforts to rouse her from the stupor into which she had fallen were fruitless. At last a clever practitioner drove all the fearful phantasms of her mind from the room, and he began to tell his apparently dying patient a story of terrible sorrow and destitution. As the story progressed he saw signs of animation in the bloodless face and at the crisis of the tale the girl's eyes opened and she asked some question that showed the first genuine interest she had taken since she had been found. Treatment along that line, that is, the awakening of dormant sympathies, brought her to a state of physical health. There might be doubts as to her mental soundness, but many have spoken to me regarding this introductory chapter and I have always found it to be a true statement, not that it is far from overdrawn. A work that has a place in the libraries of most physicians describes the apparently hopeless condition of a woman whose attention was finally revived her interest in life by talking of his penchant for preserving old letters. 'I never destroy one,' he declared. 'Nor I, doctor,' exclaimed the dying woman, 'let me see them,' said the doctor. 'I would like you to read some of them if you have time.' The doctor had time and over a pile of letters, sentimental and otherwise, his patient recovered her interest. In this life sufficiently to admit of her dressing and going down to dinner with her family, who to this day are enthusiastic about the instant recovery wrought by Dr. Blank. Every physician meets with cases similar to these, if not so extreme."

The closing chapter of the novel you mentioned referred to in the fact that the medical profession is entrusted with secrets which are supposed to die with the members, yet we find the doctor exchanging views with his wife and family, and even confiding to the story which had been confided to him. Was he justified in so doing? By no means. He was introduced as a quack, and while the treatment of his patient would not show that he deserved the title, his later course of action does. Physicians worthy the name hold professional confidences to be inviolable. He reminds me of a certain limit he is no more entitled to any acquaintance with the details of my practice than is a stranger.

"And I have trained myself to not want to know anything about them," naively remarked his wife. "It is a great protection from the inquisitive. I don't know."

"We bear a great deal about professional honor, doctor," said one of the company. "What is your basis or guide?"

The American Medical association has adopted a code which every member is bound to follow. One of the requirements is that the practitioner do not advertise. Another is that he shall not be induced to become a member in a case until he has been recommended by another member of the profession is forbidden. While these regulations should be followed, with in spirit and in letter, I don't care much for the code myself. If a physician be a gentleman he will not need such restrictions, and if he be not, they will not stand in his way. I would like to see a brother physician as you wish him to treat you, embrace all the rules of the code."

Someone asked the doctor which sex is more tractable during illness. "It may be that women are more inclined to exaggerate their ailments, but there is no doubt that they endure real pain more heroically than their brothers. There are more hypochondriacs among men than among women, but men are more obstinate in their beliefs in imaginary ills."

Commenting on the statement made by a lecturer in a medical college: "Ninety-eight per cent. of the people who apply to me for cures are absolutely without any disease, but if I told them so I would lose ninety-eight per cent. of my practice," he said: "His experience has been that neglect of the body is far more common than over-cleaning and over-dressing. The most robust of his guests, who looked uneasy at this abrupt remark. 'All most everyone does.'"

The doctor showed some indignation when speaking of editorial comments on courses of treatment pursued in certain cases. "If I were looking for the best way in which to make a complete cure of myself I would hold forth on some astronomical subject of which I know nothing. Yet editors make equally foolish attempts. They

should be indicted for murder, when their country readers have been made to believe that a certain operation is possibly dangerous, and through that prejudice a life is lost."

"We doctors have opportunities to study human nature that few individuals have. Your humble servant has figured as match-maker, as a sign post pointing to the better way and as an unvelier of hypocrisy more times than he can count." One of the party more daring than the others, ventured a personal question just here as to the applicability of that statement to a former patient of the doctor's. His remark was ignored in a well bred way, and only a slight flush on the cheek of the questioner showed that he felt the implied rebuke.

The doctor settled more comfortably into his luxurious chair and knocking some ashes from his amber pipe, remarked that in the rare intervals when he could watch the smoke curling from that promoter of man's comfort and indulge in dreams of the future, he enjoyed "Reveries" more delightful than those that made Donald Mitchell famous.

"They are of a time when the number of drugs in use is reduced from 1,300 to 12," he said, "when the relations of physician and patient are as those of friends, when the work of the family physician is to prevent, rather than cure disease. If every child, no matter how strong, were visited by a medical man, the result would be in order that any abnormal tendency of his youthful constitution might be corrected in its incipency, and if this course were pursued through infancy, childhood and youth, American manhood would be more nearly a tower of strength than it is. And my favorite plan, one which I wish I might live to see fulfilled, is the establishment of a government school for physicians."

"I would like to see a standing army of physicians with a fixed salary paid by the government, thus removing all the evils of competition. These physicians should make a study of the preventable diseases, and methods for the successful treatment of them. These diseases constitute more than one-half the enemies to health which physicians are combating. The government is at immense expense in sustaining its regular army. Why would not it attempt to do the same for the many times more practical benefit to the country?"

The acme of perfection in cookery is embodied in Dr. Price's Cream Baking Powder. No other works so quick or gives such dainty food.

HEARING ON CITATION.

A Probate Proceeding That May Be Interesting.

A hearing that promises to be rather interesting will be held in the Probate court on Oct. 30, when an inquiry will be made in matters connected with the estate of Eben Miller, deceased.

Eben Miller died on February 2, 1894. When he passed away he left behind his wife, Esther, his two sons, John and Joseph, a girl and two pieces of property, the first of the last mentioned being situated near Third South and Tenth East streets, where he was wont to live, the second in Miller's lane near Fifth South and Tenth East streets.

Prior to his taking off, Mr. Miller borrowed \$200 from John L. Lawson, ex-councilman from Hercules McComb the sum of \$2,000, giving as security a trust deed, which was duly recorded by Joseph Lippman, recorder of Salt Lake county, said deed being dated October 13, 1893, for twelve months at 12 per cent. The description of the property, as engrossed upon the records, is part of lot 2, block 25, plat F, 34th rods, part of lot 7, block 12, in the city of Salt Lake.

Now, according to the records of the probate court, shortly after the death of Mr. Miller, Esther Miller, his wife, and his two sons, John and Joseph, filed a petition in the Probate court of Judge Blair, praying for letters of administration, which said letters were granted and approved by the court.

Letters of administration were issued March 7, 1894, the day the letters of administration were ordered.

Their value was that the two pieces were worth \$2,700.

Under the deed of trust the property was sold to satisfy the debt of \$2,000 with interest, including Lawson's claim, and \$700 of interest, which said claim forms part of the files in the office of County Clerk Meloy.

On September 5, 1894, Joseph Miller, one of the heirs of Eben Miller, deceased, by his attorneys, Zane & Zane and A. E. Pratt, filed in the office of the clerk of the Probate court, H. V. the clerk of the Probate court, H. V. an affidavit citing that certain properties and papers belonging to the estate of Eben Miller, deceased, were being withheld, to which Ritchie & Ritchie, attorneys for the defendant, a demurrer on points embracing United States law and jurisdiction of the court in negative manner.

The demurrer was filed in the office of the clerk of the Probate court September 13.

Zane & Zane and A. E. Pratt, attorneys for Joseph Miller, have this basis and expect to show by competent evidence.

First—That Mrs. Miller was approached with this proposition; that in order to save costs and the amount of the Lawson judgment, it was proposed that a mutual friend should bid in the property for the estate.

Second—That the property was bid in for the sum of \$2,800.

Third—That two days after the sale under the deed of trust, Mrs. Eben Miller was ordered to vacate the premises, which she did under a writ of eviction, and to return in a day to her home, two blocks west of the Salt Lake City brewery, where she maintains herself and minor children by taking in washing and going out to service.

Fourth—That the first place of property mentioned was sold for \$2,800, \$800 more than the amount of the principal on the trust deed, to a leading attorney of Salt Lake City.

The roster of the first place of property mentioned was sold for \$2,800, \$800 more than the amount of the principal on the trust deed, to a leading attorney of Salt Lake City.

People's Gospel Mission.

There was a large attendance last evening in the spacious rooms at No. 328 South Main street, the new quarters of the People's Gospel Mission, under the charge of the noted evangelist, J. B. Lester. This mission has just been removed from No. 226 State street, where it was established a few months ago. The lesson was read by Rev. D. W. Barrett, of Phillips Congregational church, and the music was furnished by a number of the ladies and gentlemen of the Christian Endeavor society from the First Congregational church.

Evangelist Lester has had a most wonderful experience and is highly gifted for the Christian work he has undertaken in this city of rescuing fallen men and women.

The mission shows some indication that since June last no less than fifty-three persons have been converted under his ministrations. About 9,000 persons have attended divine service in the mission room, and besides much has been done by the mission in relieving the needy and hungry with food and clothing, and in a work deserving the support of the community.

Services every evening, to which all are cordially invited.

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Mrs. Annie W. Jordan

Of 105 Tremont St., Boston, was in very poor health, from bad circulation of the blood, having loss of blood to the head, numb spells, and chills, and the physician said the veins were almost bursting all over her body. A collision with a double runner brought on neuralgia of the liver, causing great suffering. She could not take the doctor's medicine, so took Hood's Sarsaparilla all day and then not any more.

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